

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALAN JOSEPH MURY §
VS. § CIVIL ACTION NO. 1:23-CV-238
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER

Petitioner Alan Joseph Mury, an inmate confined at the Bridgeport Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the constitutionality of a parole revocation proceeding.

The petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner filed this petition in the Beaumont Division of the Eastern District of Texas. Although the parole revocation proceeding took place in Beaumont, this court lacks jurisdiction to consider the petition because Petitioner was not convicted in the Eastern District of Texas and he is not confined here. *See Carmona v. Andrews*, 357 F.3d 535, 539 (5th Cir. 2004).

Petitioner is confined in Wise County, which is located in the Fort Worth Division of the Northern District of Texas. He was convicted and sentenced in Bell County, which is in the Waco Division of the Western District of Texas. The court has considered the circumstances and has determined that the interests of justice would best be served if this petition were transferred to the district where Petitioner is confined. Therefore, the petition should be transferred to the Northern District of Texas. It is accordingly

ORDERED that this petition for writ of habeas corpus is **TRANSFERRED** to the Fort Worth Division of the Northern District of Texas.

SIGNED this 26th day of June, 2023.



Zack Hawthorn
United States Magistrate Judge